

**FULL BOARD MEETING MINUTES
BOARD OF REALTY REGULATION
301 S. Park, Helena MT
CONFERENCE CALL
Large Conference Room
10:00 a.m. to 12:37 p.m.
July 16, 2020**

**CALL IN INFORMATION:
1-406-444-4647 (local) 1-833-681-5958 (toll free)
Conference ID: 5116877#**

Due to the COVID-19 health emergency, all board meetings will be held by conference call. Not outside participants or stakeholders will be allowed access in the building. Please attend by phone.

1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (00:00:08)

Mr. Dan Wagner, Acting Chair, called the meeting to order at 10:13 a.m.

Board Members Present:

Mr. Dan Wagner
Mr. Eric Ossorio
Mr. Kevin Wetherell
Mr. Josh Peck
Ms. Julie Gardner

Board Members Absent:

Mr. Ric Smith
Ms. Lindsey Hromaka

Staff Present:

Ms. Rhonda Morgan, Executive Officer
Ms. Jennifer Stallkamp, Board Counsel
Ms. Barb McAlmond, Administrative Specialist
Mr. Todd Younkin, Division Administrator

Others Present:

Mr. Steve Gillespie
Mr. Michael Hanson
Mr. Kyle Hopkins
Mr. Jaymie Bowditch
Mr. Zane Sullivan

2. Approval and Tentative Modification of Agenda Order (00:00:41)

Motion: (00:01:017) Mr. Kevin Wetherell moved to approve the agenda as presented. The motion carried.

3. Review Minutes (00:01:44)

No changes/corrections were noted.

4. Public Opportunity to Comment (00:01:56)

(Presiding Officer Statement) "Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board that is not on the agenda of this meeting. While the Board cannot take action on any issues presented, the board will listen to comments and may ask staff to place the issue on a subsequent agenda. The presiding officer may limit the comment period in order to proceed with the board meeting."

- a. Steve Gillespie – Correspondence, E&O Insurance (00:04:22)** No board action required.

- b. Steve Gillespie – Correspondence, Steering (00:06:01) No board action required.
(00:15:19) Mr. Gillespie called in to voice public comment.

5. Department Update – Todd Younkin (00:09:07) FYI

6. Board Action

a. Non-routine Applications (00:28:34)

- i. Michael Hanson – Salesperson, Previously Tabled (00:28:39)
Motion: (00:34:29) Mr. Josh Peck moved for the denial of a full and unrestricted license based on **MCA 37 51 321(t) Unprofessional Conduct** and to grant of a year probationary license. The motion carried.
- ii. Kyle Hopkins – Salesperson (00:37:34)
Motion: (00:40:30) Ms. Julie Gardner moved to approve Mr. Hopkins for a full and unrestricted license. The motion carried.

b. HB 416 & HB 376 Implementation (00:42:16)

- i. RFP Update (00:42:30)
Motion: (00:54:48) Ms. Julie Gardner moved to approve a postcard mailing as well as a mass email to all active licensees regarding the Errors and Omission Insurance (E&O) information. The motion carried.

c. Finalize Administrative Rules Package (00:55:47)

ARM 24.210.401-Fee Schedule (00:57:35)

Motion: (00:59:13) Mr. Josh Peck moved to approve **24.210.401** as proposed. The motion carried.

Motion: (01:01:14) Mr. Kevin Wetherell moved that the Board has determined that the proposed rule amendment to **24.210.401** will not have a significant and direct impact on Montana small business. The motion carried.

ARM 24.210.641 Unprofessional Conduct (01:02:12)

Motion: (01:06:14) Mr. Josh Peck moved to approve **24.210.641** proposed changes with the amendment as discussed.

Motion: (01:16:24) Mr. Josh Peck withdrew his motion.

Motion: (01:16:35) Mr. Wetherell moved to approve **24.210.641** with the amendment to leave in place paragraph (ae). The motion carried.

Motion: (01:17:38) Mr. Kevin Wetherell moved that the Board has determined that the proposed rule amendment to 24.210.401 will not have a significant and direct impact on Montana small business. The motion carried.

ARM 24.210.643 Citations and Fines (01:18:41)

Motion: (01:20:00) Ms. Julie Gardner moved to approve **24.210.643** as proposed. The motion carried.

Motion: (01:21:00) Mr. Josh Peck moved that the Board has determined that the proposed rule amendment to **24.210.643** will not have a significant and direct impact on Montana small business. The motion carried.

ARM 24.210.660 Prelicensing Education-Salesperson and Brokers (01: 22:16)

Motion: (01:24:43) Ms. Julie Gardner moved to approve 24.210.660 with the amendments as discussed.

Motion: (01:25:43) Ms. Julie Gardner moved that the Board has determined that the proposed rule amendment to **24.210.660** will not have a significant and direct impact on Montana small business. The motion carried.

ARM 24.210.661 New Licensee Mandatory Continuing Education (01:26:32)

Motion: (02:27:06) Mr. Kevin Wetherell moved to approve **24.210.661** as proposed.

Motion: (01:27:54) Ms. Julie Gardner moved that the Board has determined that the proposed rule amendment to **24.210.661** will not have a significant and direct impact on Montana small business. The motion carried.

ARM 24.210.667 Continuing Real Estate Education (01:28:28)

Motion: (01:29:20) Mr. Josh Peck moved to approve **24.210.667** as proposed. The motion carried.

Motion: (01:30:12) Ms. Julie Gardner moved that the Board has determined that the proposed rule amendment to **24.210.667** will not have a significant and direct impact on Montana small business. The motion carried.

ARM 24.210.835 Continuing Property Management Education (01:30:42)

Motion: (01:31:15) Mr. Kevin Wetherell moved to approve **24.210.835** as proposed. The motion carried.

Motion: (01:31:56) Mr. Kevin Wetherell moved that the Board has determined that the proposed rule amendment to **24.210.835** will not have a significant and direct impact on Montana small business. The motion carried.

d. Great Falls Association of Realtors Reimbursement Request – February Rookie Course (01:32:59)

Motion: (01:34:04) Mr. Josh Peck moved to reimburse the Great Falls Association of Realtors for the net loss of conducting the February 2020 Rookie Course as requested. The motion carried.

e. Financials Review (01:35:28)

- i. Abatement Decision **(01:35:39)**
- ii. Excess Cash – Ideas; & Additional Discussion

Motion: (01:54:46) Ms. Julie Gardner moved to approve a 50% fee abatement. After discussion, Ms. Gardner amended her motion to approve an 80% fee abatement. The motion carried.

7. Board Discussion (02:02:36)

- a. **Supervising Broker Topics (02:02:42)** This will be placed on a future agenda for further discussion and possible board action.
 - i. Supervising Broker Endorsement Requirements
 - ii. Out-of-State Licensees with Supervising Broker Endorsement
 - iii. Pre-endorsement Course Availability

b. Exam Sites Update & Current Information (02:12:56) FYI

c. CE Audit Report (02:18:24) FYI

d. Trust Account Audits Update (02:19:16) FYI

8. Committee Reports (02:20:42) FYI

- a. Screening Panel Report
- b. Adjudication Panel Report

9. Executive Officer Report (02:21:55)

- a. Travel Approval Denied
- b. ARELLO Annual Conference Update

10. Legal Report (02:24:51) FYI

11. Adjourn (02:25:13) Mr. Dan Wagner adjourned the meeting at 12:37 p.m.

NOTICE

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New agenda items may be added or removed up to “three business days” before the meeting. For the most accurate agenda, please consult the website at www.realestate.mt.gov. The board may reorder the agenda at the beginning of the meeting.